

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

LEONARD EUGENE LOVE,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

Case No. 2:02-cr-177

Crim. No. 2:04-cv-522

JUDGE SMITH

Magistrate Judge ABEL

ORDER

On May 23, 2005, the Magistrate Judge issued a *Report and Recommendation* recommending that the instant motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. §2255 be dismissed. Petitioner has objected to the Magistrate Judge's *Report and Recommendation*. Doc. No. 65. Petitioner objects to all of the conclusions of the Magistrate Judge.

The petition alleges that Love's court-appointed attorney, Gordon Hobson, failed to file a notice of appeal. Love does not challenge his guilty plea. He wants to contest his sentence as too severe; but, as the Magistrate Judge found, the Court sentenced him to the sentence he bargained for. There was no legal basis for Love to appeal the sentence.

Pursuant to 28 U.S.C. 636(b)(1), this Court has conducted a *de novo* review of those portions of the *Report and Recommendation* that are objected to by petitioner. For the reasons discussed at length in the Magistrate Judge's *Report and Recommendation*, petitioner's objections are **OVERRULED.**

The *Report and Recommendation* is hereby **ADOPTED AND AFFIRMED**. This action is hereby **DISMISSED**.

IT IS SO ORDERED.

/s/ George C. Smith

GEORGE C. SMITH

United States District Judge

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